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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,445	12/16/2005	Gary Ruvkun	00786/436002	1398

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

MARVICH, MARIA

ART UNIT	PAPER NUMBER
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1633

NOTIFICATION DATE	DELIVERY MODE
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01/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com

Office Action Summary

Application No.

10/540,445

Applicant(s)

RUVKUN ET AL.

Examiner

Maria B. Marvich, PhD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10,12-16,18-23,25-33,37-43 and 50-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) See Continuation Sheet are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-4, 7-10, 12-16, 18-23, 25-33, 37-43 and 50-61 are pending in this application and subject to the following restriction.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I (Inventions 1-250), claims 1-4, 7-10, 52, 53, 58 and 59 drawn to a cell comprising *mlt* nucleic acids or an ortholog or portion thereof and methods of identifying candidate compounds. Each of the inventions of 1-250 corresponds to one of the nucleic acid or orthologs.

Group II (Inventions 251-500), claims 12-16, 18-21, 26, 27, 50, 51 and 55-57 drawn to a MLT polypeptide and its use in identifying candidate compounds. Each of the inventions of 1-250 corresponds to one of the polypeptides or orthologs.

Group III, claims 22, 23 and 25, drawn to a MLT nucleic acid regulatory region and its use in identifying candidate compounds.

Group IV (Inventions 502-751), claims 28-33, 37-43, 54, 60 and 61, drawn to an *mlt* nucleic acid inhibitor and methods of reducing parasitic nematode infection using the inhibitor. Each of the inventions of 1-250 corresponds to one of the nucleic acid inhibitors or orthologs.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the technical feature of Group I is a *mlt* nucleic acid that does not share a technical feature with the polypeptides or regulatory sequences or inhibitors

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of Groups II-IV. For example, a method of screening for compound using the cells of Group I do not use any of the features of the methods of screening for compounds using the peptides of Group II, the method steps as well as assays are non-overlapping. Similarly, the use of the regulatory sequences does not use any related or overlapping sequences with those of Group I. The methods of reducing parasitic nematode infection do not use the methods or materials of Group I. Conversely, the polypeptides of Group II do not share a technical feature with the methods or nucleic acids of Group I, regulatory sequences of Group III or the inhibitors of Group IV, the regulatory sequences of Group III are non overlapping and do not share any properties with the nucleic acids of Group I, polypeptides of Group II or the inhibitors of Group IV. Each of the Groups performs their function using distinct methods and structures. Therefore, Group I-IV do not relate to a single general inventive concept.

For each of Groups I, II and IV, a single *mlt* nucleic acid or polypeptide or inhibitor must be elected as the invention. Nucleotide sequences are structurally distinct chemical compounds as are the encoded different proteins are structurally distinct chemical compounds. As such each of the *mlt* nucleic acids, polypeptides and inhibitors have distinct structural and functional properties and are unrelated to one another. A method of identifying candidate compounds using one nucleic acid or polypeptide or inhibitor is non-overlapping with any other nucleic acid or polypeptide or inhibitor. Thus defining the invention by the nucleic acid or polypeptide or inhibitor recited means that it does not then share a technical feature with any other *mlt* nucleic acid or polypeptide or inhibitor because as a class these nucleic acids and polypeptides are known.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria B. Marvich, PhD whose telephone number is (571)-272-0774. The examiner can normally be reached on M-F (7:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, PhD can be reached on (571)-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Maria B Marvich, PhD
Examiner
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Continuation of Disposition of Claims: Claims subject to restriction and/or election requirement are 1-4, 7-10, 12-16, 18-23, 25-33, 37-43 and 50-61.